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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,617	08/01/2001	Kouji Watanabe	Q63879	2505

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EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,617

Applicant(s)

WATANABE, KOUJI

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001 and 04 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 21-38, 46 and 47 is/are rejected.
- 7) ☒ Claim(s) 14-20 and 39-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/4/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-47 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-11, 13, 21, 23-34, 38 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheridan;[U.S. Pat. No. 5760917].

4. As to claims 1-3, Sheridan; teaches the invention as claimed including: a method for contents data processing service, comprising the steps of:

transferring contents data from a terminal of an orderer [i.e., a client; e.g., 202-204, Fig.1] to a processing apparatus of an order receiver [i.e., a server; i.e., 201, Fig.1] via a communication line ;

processing said transferred contents data in said processing apparatus of the order receiver [Abstract]; and

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transferring processed contents data from said processing apparatus of the order receiver to said terminal of the orderer via said communication line or storing and managing said processed contents data in a storage area of a data managing unit [20, Fig.3] that is accessible from at least one of said terminal of the orderer and a terminal of a third party via said communication line, or both of said transferring of said processed contents data and said storing and managing of said processed contents data [Abstract; col.2, line 20 – col.3, line 7],

wherein said storage area of said data managing unit is accessed from at least one of said terminal of the orderer and said terminal of a third party via said communication line, whereby said processed contents data is received in said terminal of the orderer via said communication line, which can be via Internet [col.5, lines 7-18; col.3, lines 45-50].

5. As to claims 4-5, Sheridan; further teaches that said contents data is digital image data, said processing performed in said processing apparatus of the order receiver is image processing, and said processed contents data is digital image data that has been subjected to image processing [col.9, lines 24-30 and 58-67; i.e., digital camera data may be further processed the same way as other digitized photographic images, wherein said digital camera data is, by default, still image data].

6. As to claims 8-10, Sheridan; further teaches that said processing apparatus of the order receiver transfers said processed digital image data to said terminal of the

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orderer via said communication line such that said processed digital image data can be outputted in an image output apparatus and conditions comprising conditions of said image processing designated by said terminal of the orderer and finishing conditions of an image to be outputted from said image output apparatus [col.1, lines 47-50; col.11, lines 23-49; col.9, lines 58-67].

7. As to claim 11, since the features of this claim can also be found in claims 1, 4 and 8, it is rejected for the same reasons set forth in the rejection of claims 1, 4 and 8 above.

8. As to claim 13, Sheridan; further teaches that said edit processing information includes at least one of character composition processing, certificate photograph processing, calendar processing, album processing, post card processing, business card processing, ticket processing, menu processing, template composition processing, mini-frame processing, card print processing and free trimming processing [col.11, lines 29-49].

9. As to claim 21, Sheridan; further teaches that said processing apparatus of the order receiver manages said orderer by an URL or an ID card [col.5, lines 20-35; col.6, line 64 – col.7, line 24].

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10. As to claims 23-34, 38 and 46, since the features of these claims can also be found in claims 1-5, 8-11, 13 and 21, they are rejected for the same reasons set forth in the rejection of claims 1-5, 8-11, 13 and 21 above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6-7, 12 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheridan; [U.S. Pat. No. 5760917], as applied to claims 1-5, 8-11, 13, 21, 23-34, 38 and 46 above, further in view of Buhr; et al.(hereafter "Buhr;")[U.S. Pat. No. 6274299].

13. As to claims 6-7, Sheridan; teaches that digital image data may be obtained by scanning hardcopy image (such as negative film) locally and forward to a remote processing center for further processing [col.1, lines 54-61; col.4, lines 3-16]. Sheridan; does not specifically teach applying high definition image processing technique to the digital images.

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However, in the same field of endeavor, Buhr teaches that the image processing techniques, such as red-eye correction (which is part of a high definition image processing), may be applied to scanned images in order to obtain desirable, higher quality images [col.29, lines 1-11].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Buhr's image processing techniques into Sheridan;'s image handling system because Buhr's high definition image processing would enable Sheridan;'s users to view/edit a down-scaled image and send associated viewing parameters for further processing on the original high resolution images [col.9, line 58 – col.10, line 8; col.11, lines 23-49].

14. As to claims 12 and 35-37, since the features of these claims can also be found in claims 1-11, 13, 21, 23-34, 38 and 46, they are rejected for the same reasons set forth in the rejection of claims 1-11, 13, 21, 23-34, 38 and 46 above.

15. Claims 22 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheridan; [U.S. Pat. No. 5760917], as applied to claims 1-13, 21, 23-38 and 46 above.

16. As to claim 22, Sheridan; does not specifically teach determining a fee for a processing service according to used processing items and a data amount of said contents data and determines a fee for storing said processed contents data according

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to a period using a server for storing and managing said processed contents data and an area of use of the server, and said order receiver is billed these fees added to a fee for using said communication line from a connection service company of said communication line.

However, as photographic processing service system, it is well known that commercial business activities as described in Sheridan;'s system could involve fees for various services. In particular conventional film processing companies charge service based on the number of pictures being processed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Sheridan;'s system would include fees for the image handling services because Sheridan;'s business model is only a variation of the conventional film processing companies; the nature of profit-oriented service is not altered by going online.

17. As to claim 47, since the features of this claim can also be found in claims 1 and 22-23, it is rejected for the same reasons set forth in the rejection of claims 1 and 22-23 above.

18. Claims 14-20 and 39-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ueda et al. [U.S. PGPub 20010046066];

Morita; [U.S. Pat. No. 5928335];

Savakis; et al. [U.S. Pat. No. 6738494];

McCarthy; et al. [U.S. Pat. No. 6282312]; and

Shinbori; et al. [U.S. Pat. No. 5781236].

20. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and


(571)273-3969 for status inquires draft communication.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

November 23, 2004


11/23/04